



**BALTIMORE ZONING CODE:  
PRELIMINARY ANNOTATED OUTLINE**

Prepared by

CAMIROS

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## **INTRODUCTION**

The following is a preliminary version of an outline for the Baltimore Zoning Code. It is anticipated that this outline will change based upon discussions with staff, the Zoning Advisory Committee (ZAC) and the public. This outline describes the content of the various articles and highlights major policy issues within each. The intent of the outline is to confirm the basic structure and drafting directions for the revised Code. In many cases, the outline presents broad drafting direction that will be modified based upon further discussion.

It is important to note that certain specific provisions and policy directions can only be effectively presented in the draft code. In particular, many of the provisions that address sustainability and public health will only be evident in the draft code because they part of the details of the code, such as within use tables and use standards. In another example, the preservation of view corridors is another detailed standard that is still under study and will be presented in the draft code.

# **TITLE 1: TITLE, PURPOSE AND INTENT**

*This title introduces the Code. It includes the overall purpose and intent, its application to land and buildings within Baltimore, and the transition rules upon adoption of an updated Code or any future amendments to the Code. The current provisions of the current Subtitle 4 of Title 1 that relate to purpose and intent would be found in this title.*

## **1.1 TITLE**

## **1.2 INTENT OF THE CODE**

## **1.3 PURPOSE OF THE CODE**

## **1.4 APPLICABILITY OF THE CODE**

- A. General Applicability**
- B. Territorial Applicability**
- C. Required Conformance with Ordinance**
- D. Code Control Over Less Restrictive Private Agreements**
- E. Code Control Over Less Restrictive Laws and Regulations**

## **1.5 TRANSITION RULES**

Rules for how the Code functions with respect to the previously applicable zoning regulations for:

- Existing illegal structures and uses
- Existing permitted uses, including if now considered conditional uses in the new code
- Uses and structures rendered nonconforming
- Building permits issued prior to new code adoption
- Conditional uses and variances granted prior to new code adoption
- Applications that are pending when the new code is adopted

## **1.6 SEVERABILITY**

## **1.7 EFFECTIVE DATE OF THE ZONING CODE**

## **1.8 REPEAL OF PREVIOUS ZONING CODE**

## **TITLE 2: DEFINITIONS**

*This title would compile all the definitions within the Code, combining those in Title 1 with those in other titles. All definitions should only define uses and terms, and not regulate.*

### **2.1 PURPOSE**

This is the purpose statement of Title 2

### **2.2 INTERPRETATION OF DEFINITIONS**

### **2.3 RULES OF GENERIC USE DEFINITIONS**

### **2.4 GENERIC USE DEFINITIONS**

POLICY ITEM: With the generic use approach, it is particularly important that every use within the district use tables be defined within this section.

### **2.5 GENERAL TERMS DEFINITIONS**

## **TITLE 3: CODE ADMINISTRATION**

*Title 3 lists all the powers and duties of the City Council, the various boards and commissions, and officials involved in Code administration. By listing the responsibilities of these bodies and officials for all applications, the process becomes easier for the user to follow.*

*Additional City commissions can be added to this article to inform users of additional required regulations or reviews outside of the Zoning Code. However, this should be restricted only to those commissions whose approvals have an impact on zoning approvals.*

*We look to City staff and the ZAC to assist in identifying other commissions that would be appropriate for inclusion as the drafting process begins. For example, we have included references to the Commission for Historical and Architectural Preservation (CHAP), the Urban Design and Architectural Review Panel (UDARP), and the Site Plan Review Committee (SPRC).*

*Listed within this title would only be the powers of these commissions, and no process items, application requirements or approval standards. This is done to prevent unnecessary text amendments. For example, each section would be structured as follows, using the City Council as an example:*

### **3.2 CITY COUNCIL**

*The City Council shall have the following specific powers, pursuant to this Zoning Code:*

- A. To make final decisions on zoning text and map amendment applications.*
- B. To make final decisions on planned unit developments.*

### **3.1 PURPOSE**

This is the purpose statement of Title 3

### **3.2 CITY COUNCIL**

### **3.3 PLANNING COMMISSION**

### **3.4 BOARD OF MUNICIPAL AND ZONING APPEALS**

### **3.5 ZONING ADMINISTRATOR**

### **3.6 COMMISSIONER OF HOUSING AND COMMUNITY DEVELOPMENT**

### **3.7 COMMISSION FOR HISTORICAL AND ARCHITECTURAL PRESERVATION**

**POLICY ITEM:** A reference to the responsibilities of CHAP would be included here to make users aware that additional historic district regulations (outside of the Zoning Code) may apply to their property. The actual requirements, process and standards would remain outside of the Code.

### **3.8 URBAN DESIGN AND ARCHITECTURAL REVIEW PANEL**

POLICY ITEM: A reference to the responsibilities of UDARP would be included here to make users aware that additional historic district regulations (outside of the Zoning Code) may apply to their property. The actual requirements, process and standards would remain outside of the Code.

### **3.9 SITE PLAN REVIEW COMMITTEE**

POLICY ITEM: A policy question here is whether to codify the SPRC and site plan review process in the Code. The “Directions for Drafting the Revised Zoning Code” recommends such codification. Like the other administrative bodies, we would recommend leaving the SPRC membership and operational provisions outside of the Code, but bringing the process, supplemented with additional standards, into the Code.

## TITLE 4: APPLICATION PROCEDURES

*This title contains the rules for processing the various applications and approvals. Current administrative procedures would be reviewed for consistency with Maryland statutes.*

### 4.1 PURPOSE

This is the purpose statement of Title 4

### 4.2 APPLICATION

#### A. Filing of Applications

#### B. Completeness

POLICY ITEM: This is a new requirement that states that applications must be complete before they are forwarded on for approval. An example of such a provision is as follows:

“The Zoning Administrator shall determine whether the application is complete, and shall notify an applicant that the application is complete or incomplete, including payment of all fees. If the application is not complete, the Zoning Administrator shall notify the applicant of any deficiencies, and shall take no steps to process the application until the deficiencies are remedied. Once the Zoning Administrator determines that the application is complete, the application shall be scheduled for consideration by the appropriate board, commission or official.”

#### C. Required Fees

#### D. Withdrawal of Application

#### E. Successive Application of Denied Applications

POLICY ITEM: The rules for resubmitting an application once it has been denied, or other action taken, must be established. The rezoning procedures do contain a 12 month limitation for reapplication, but it is recommended that limitations be added for all applications (conditional uses, planned unit developments, and variances). Generally, codes usually include a provision that states once an application has been denied by the final authority, it cannot be submitted for one to two years using the date of denial as the “start date” for the resubmittal waiting period.

### 4.3 NOTICE

POLICY ITEM: To make notice requirements more clear, an appendix will be included that illustrates proper notice, especially posted sign notice.

#### A. Published Notices

#### B. Mailed Notice

#### C. Posted Sign Notices

#### D. Summary Table of Notice Requirements

*(A summary table will be included that describes which type of notice is required for each application.)*

### 4.4 PUBLIC HEARING

#### A. Conduct of Public Hearings

#### B. Rules for Deferrals

## TITLE 5: DEVELOPMENT APPLICATIONS AND APPROVALS

*All development applications and approvals, such as those found in current Titles 2,14,15,16 and 17, and those established during the drafting of a revised code, would be consolidated into this title. To the degree possible, each application will be structured as follows:*

- A. Purpose: Purpose of the application
- B. Initiation: Who may initiate an application
- C. Authority and Execution: Summary statement regarding the bodies responsible for recommendations (if applicable) and final approval
- D. Procedures: Step by step description of process, including timeframes for review and decisions
- E. Approval Standards: Standards against which to evaluate the application

**POLICY ITEM:** “Directions for Drafting the Revised Zoning Code” recommends eliminating the delay of one Council meeting between the second and third reading of a bill. Both Code administrators and the Procedures Working Group found this to be an unnecessary step, since it occurs after the public hearing. It is recommended that this delay be eliminated.

**POLICY ITEM:** “Directions for Drafting the Revised Zoning Code” recommends eliminating the introduction of a planned unit development application, conditional use or rezoning application by the City Council before it can proceed to through the approval process. The necessity of such a step is questionable, as the Council would still have final approval even if this introductory step is removed. If it were eliminated, the applications would be submitted to the City Planning Department for review, where they would prepare a technical staff report, and then on to the Planning Commission for a public hearing. The City Council would then make the final decision on the application. This would shorten the application process as an applicant would not be required to identify an advocate in the Council to introduce the bill and then wait for its formal introduction.

### 5.1 PURPOSE

This is the purpose statement of Title 5

### 5.2 TEXT AND MAP AMENDMENTS

- A. Purpose
- B. Initiation
- C. Authority and Execution
- D. Procedure
  - 1. Submittal of Application
  - 2. Action by Planning Commission
  - 3. Action by City Council
- E. Approval Standards

### 5.3 VARIANCES

**POLICY ITEM:** Currently, the Code sets limits on the types of variances that can be granted. Our recommendation is to eliminate these limitations and create an application without limits, requiring the applicant to prove hardship.

- A. Purpose
- B. Initiation
- C. Definition of Major and Administrative Variances



POLICY ITEM: This section would define the distinctions between the types of variances – administrative variances to be approved by the Zoning Administrator and major variances to be approved by the BMZA. Our initial approach to the administrative variance definition recommends the following:

- Variances for lot widths within 90% of required minimum lot width
- Reduction in required setbacks of no more than 10% or two feet, whichever is less
- Reduction of required off-street parking spaces by no more than 10%

It is anticipated that these limits will be refined and that powers may be added to or eliminated as Code drafting occurs. In particular, certain types of variances that commonly occur with historic structures may be better suited as an administrative variance (we will work with staff to further define this). It will be clearly defined that the administrative variance process cannot grant variances that violate the building code or any life safety code, and that even administrative variance applications must meet the hardship standards.

**D. Authority and Execution**

**E. Procedure**

**1. Administrative Variance**

- a. Submittal of Application
- b. Action by Zoning Administrator
- c. Appeal to Board of Municipal and Zoning Appeals

POLICY ITEM: Decisions on administrative variances can be appealed to the BMZA.

**2. Major Variance**

- a. Submittal of Application
- b. Action by Board of Municipal and Zoning Appeals

**3. Conditions and Restrictions on Granting Variance**

**4. Granting of Variance Less Than Requested**

**E. Approval Standards**

POLICY ITEM: There is a policy issue that relates to both conditional uses and variances. When a conditional use permit requires a variance, the Code states that a conditional use permit can only be approved by the City Council. This is a confusing provision, since the BMZA is given final authority on variances and conditional uses (with the exception of some conditional uses that require Council approval). We recommend that these be maintained as separate applications, both approved by the BMZA.

**5.4 CONDITIONAL USE PERMITS**

POLICY ITEM: Currently, there are two types of conditional uses. Most are approved by the BMZA, though a select few in each district are by City Council ordinance. We propose to create one set of conditional uses to be approved by the BMZA. Through refinement of the district use lists and including standards for those uses with more significant impacts, many of issues that created the dual set of conditional uses can be resolved.

**A. Purpose**

**B. Initiation**

**C. Authority and Execution**

**D. Procedure**

**1. Submittal of Application**

**2. Action by Board of Municipal and Zoning Appeals**  
**E. Approval Standards**

**5.5 SITE PLAN REVIEW**

POLICY ITEM: A policy question here is whether to codify the SPRC and site plan review process in the Code. The “Directions for Drafting the Revised Zoning Code” report recommends such codification.

- A. Purpose**
- B. Applicability**
- C. Authority and Execution**
- D. Submittal Requirements**
- E. Procedure**
  - a. Submittal of Application**
  - b. Action by Site Plan Review Committee**

**E. Approval Standards**

POLICY ITEM: New approval standards for site plan review shall be added to this section for evaluation of submitted applications. The standards will address major site design components: land use, parking and circulation, utilities, public safety, public health, and urban design characteristics such as building design, signs, landscaping, etc. (See “Directions for Drafting the Revised Zoning Code” for more specific detail.)

**F. Amendments to Approved Site Plans**

**5.6 TRANSFER OF DEVELOPMENT RIGHTS PERMIT**

POLICY ITEM: The Comprehensive Plan, as well as discussions with staff and the ZAC, has indicated that implementing a transfer of development rights (TDR) process may prove useful in certain areas, particularly open space/natural areas conservation and historic preservation. While the utility and applicability of TDR permit is currently being evaluated, we have included an outline of the TDR permit in the event that it is included in the draft Code. We have outlined the process as a recommendation by the Planning Commission with final approval by the City Council.

- A. Purpose**
- B. Applicability**
  - 1. Transfer Districts**
  - 2. Receiving Districts**
  - 3. Rights Transferred and Restrictions**
- C. Initiation**
- D. Authority and Execution**
- E. Procedure**
  - 1. Submittal of Application**
  - 2. Action by Planning Commission**
  - 3. Action by City Council**
- F. Submittal Requirements**
- G. Transfer Instruments**

**5.7 SIGN PERMIT**

- A. Purpose**
- B. Initiation**
- C. Authority and Execution**
- D. Electrical Permit**
- E. Sign Permit Issuance**

- F. Inspection
- G. Termination, Revocation or Expiration of Sign Permit

## **5.8 USE PERMIT**

- A. Purpose
- B. Applicability
- C. Authority and Execution
- D. Submittal Requirements
- E. Procedure
  - a. Submittal of Application
  - b. Action by Zoning Administrator

## **5.9 TRANSFER CERTIFICATE**

- A. Purpose
- B. Applicability
- C. Authority and Execution
- D. Submittal Requirements
- E. Procedure
  - a. Submittal of Application
  - b. Action by Zoning Administrator

## **5.10 ZONING INTERPRETATIONS**

POLICY ITEM: This is a new application that creates a process for formal requests for interpretations of Zoning Ordinance provisions, including those not necessarily related to another application (variance, conditional use, etc.).

- A. Purpose
- B. Initiation
- C. Authority and Execution
- D. Procedure
- E. Appeal

## **5.11 ZONING APPEALS**

- A. Purpose
- B. Initiation
- C. Authority and Execution
- D. Procedure
- E. Limitations on Appeals

## **5.12 ZONING AUTHORIZATION**

POLICY ITEM: Currently, all licenses and permits related to the use of land and structures require review and zoning authorization by the Zoning Administrator. As recommended in the “Directions for Drafting the Revised Zoning Code,” one potential way to improve administrative processes in the City is for those licenses and permits that do not have zoning implications, for example, interior electrical work, to be exempted from zoning review. If this is the direction decided upon, this section of the Code could explicitly describe which applications are exempt from zoning review. As part of the rewrite process, we will also continue to explore ways to improve the efficiency of zoning review of licenses and permits.

**5.13 ENFORCEMENT**  
**A. Violations of the Zoning Ordinance**  
**B. Report of Violation**  
**C. Penalties**

## **TITLE 6: INTRODUCTION TO ZONING DISTRICTS**

*This title is standard code language that introduces the zoning districts and the zoning map.  
This is Subtitle 2 of Title 2 of the current Code.*

### **6.1 PURPOSE**

This is the purpose statement of Title 6

### **6.2 INTRODUCTION TO ZONING DISTRICTS**

This is the listing of all zoning districts

### **6.3 INTRODUCTION TO OFFICIAL ZONING MAP**

#### **A. Location of Districts**

#### **B. Interpretation of Boundary Lines**

#### **C. Clarification of Boundary Lines**

# **TITLE 7: OPEN SPACE AND ENVIRONMENTAL ZONING DISTRICTS**

*Title 7 contains the provisions for the open space and environmental zoning districts.*

## **7.1 OPEN SPACE AND ENVIRONMENTAL ZONING DISTRICTS**

### **PURPOSE STATEMENTS**

#### **A. OS Open Space District**

POLICY ITEM: Currently one open space district covers both active and passive recreation areas. As part of the drafting process, we will determine whether this district should be divided into sub-districts in order to offer a higher degree of protection to areas intended for preservation, rather than recreation. It may be that a single district is sufficient.

#### **B. W Waterfront Overlay District**

POLICY ITEM: In addition to accommodating the harbor promenade, waterfront zoning regulation should address how the buildings are sited and how they facilitate continuous public pedestrian access to the waterfront. It is our recommendation that this would best be done through the use of a waterfront overlay district that contains design requirements that address these objectives.

#### **C. FP Flood Plain Overlay District**

#### **D. CB Chesapeake Bay Critical Area Overlay District**

POLICY ITEM: In order to simplify the Code, we may be able to consolidate the three waterfront districts (W, FP and CB Districts) into a single waterfront district. This should be considered because many of these overlay districts are mapped over the same area, creating three or more layers of regulation over a single parcel.

#### **E. ESA Environmentally Sensitive Areas Overlay District**

POLICY ITEM: A recommendation for the “Directions for Drafting the Revised Zoning Code” is to create an environmentally sensitive areas overlay district to protect valued natural features via a tailored development review process that ensures their preservation, even if development were to occur in the area. This type of overlay district can include the recommended stream protection district. Such a district can be based upon the Sensitive Areas Plan within the Comprehensive Plan.

## **7.2 PERMITTED AND CONDITIONAL USES (TABLE)**

POLICY ITEM: Uses within the open space and environmental districts will be refined and tailored to the specific purposes of the districts. The generic use approach will be used.

## **7.3 BULK AND SETBACK REGULATIONS (TABLE)**

## **7.4 DESIGN STANDARDS**

POLICY ITEM: As noted above, design requirements would likely be part of the W District.

## **7.5 ESA OVERLAY DISTRICT DEVELOPMENT REVIEW PROCESS**

POLICY ITEM: An important part of the ESA District is the review process, which can be by the Site Plan Review Committee or a special committee comprised of the developer, City staff, and natural resource experts to review the proposed development and implement a resource protection plan before any work begins on the site. This would be located here.

## **7.6 GENERAL STANDARDS OF APPLICABILITY**

POLICY ITEM: The “General Standards of Applicability” section found in the district articles would be a series of cross-references to the other sections of the Code. For example, Section 7.6.E for parking would only state: “The off-street parking and loading standards of Title # apply.” Actual standards would be in their respective titles. This organization applies to all district titles.

**A. Accessory Structures and Uses**

**B. Temporary Uses**

**C. Permitted Encroachments**

**D. Environmental Performance Standards**

**E. Off-Street Parking and Loading**

**F. Landscaping and Screening**

**G. Signs**

## TITLE 8: RESIDENTIAL ZONING DISTRICTS

*Article 7 contains the use, bulk and setback provisions for the residential zoning districts.*

POLICY ITEM: One of the issues regarding residential uses is the definition of various dwelling types. In particular, the definitions for attached dwellings, semi-detached dwellings and multi-family dwellings overlap, creating confusion in where these types are allowed. We would like to better distinguish between the dwelling types using the following terms:

- Single-family detached: 1 unit in a detached structure. This would be the typical single-family home.
- Two-family detached: 2 units in a detached structure. This is the current “semi-detached dwelling” term. Currently, the definition dictates the design by defining the term as attached by party wall on only one side.
- Rowhouse, single-unit: 3 or more rowhouses attached by party walls, with each rowhouse containing only one dwelling unit
- Rowhouse, multi-unit: 3 or more rowhouses attached by party walls, with each rowhouse containing more than one dwelling unit
- Multi-family dwelling: 2 or more units, excluding two-family detached units.

POLICY ITEM: We will work with City staff to determine how best to address the current Inclusionary Housing Overlay. Currently this overlay district is a reference to a separate section of the City Code, outside of zoning regulations (essentially, a notice that additional regulations may be applicable). Its utility as an overlay district is questionable especially since the regulations apply on almost a development by development basis and the addition of another overlay district may “crowd” the Zoning Map. It may be better to reference the inclusionary housing regulations within the use standards and/or within the “General Standards of Applicability” (see below).

### 7.1 RESIDENTIAL ZONING DISTRICTS PURPOSE STATEMENTS

POLICY ITEM: This proposed outline contains a significant number of residential districts. During the drafting process it may be that some districts can be collapsed into a single district. However, throughout the process, we have not heard that there are significant issues with the current district structure in terms of basic lot sizes and their utility. Issues have generally been based upon existing bulk standards. Therefore, we have maintained the current residential district structure.

We have maintained the current residential category designations but it should be noted that the current structure does not follow a conventional zoning structure, in particular the R-1 through the R-6 Districts. Residential districts should be structured so that the R-1 District is the least dense, allowing single-family only, and then each subsequent category increases in density and dwelling type allowed (i.e., all single-family districts from least dense to most dense, followed by single-family and two-family districts from least to most dense, etc.). In order to restructure, we would likely have to rename some of the districts.

#### **A. R-1A Detached Single-Family Residential District**

POLICY ITEM: Current single-family district (14,520sf/du).

#### **B. R-1B Detached Single-Family Residential District**

POLICY ITEM: Current single-family district (21,780sf/du).



- C. R-1C Detached Single-Family Residential District**  
POLICY ITEM: This is a potential new single-family district for very low density – 1 unit per acre. This is a recent policy issue that has emerged that requires further discussion.
- D. R-1D Detached Single-Family Residential District**  
POLICY ITEM: This is a potential new single-family district for very low density – 1 unit per 2 acres. This is a recent policy issue that has emerged that requires further discussion.
- E. R-1 Detached Single-Family Residential District**  
POLICY ITEM: Current single-family district (7,300sf/du).
- F. R-2 Detached Single-Family and Two-Family Residential District**  
POLICY ITEM: This is a revision of the current R-2 District that allows single-family and two-family residences at a density of 7,300sf/du. We propose to remove the allowance for multi-family by conditional use. This would become a solely single-family and two-family district.
- G. R-3 Detached Single-Family Residential District**  
POLICY ITEM: Current single-family district (5,000sf/du).
- H. R-4 Detached Single-Family and Two-Family Residential District**  
POLICY ITEM: This is a revision of the current R-4 District that allows single-family and two-family residences at a density of 5,000sf/du. We propose to remove the allowance for multi-family by conditional use. This would become a solely single-family and two-family district.
- I. R-5 Detached and Attached Single-Family and Two-Family Residential District**  
POLICY ITEM: The current R-5 District allows for single-family detached, rowhouses of single-units and two-family units, as well as multi-family. Because this is a lower density district, allowing multi-family is questionable (as well as in the R-6 District) because the intent of the district seems to be tailored toward single-unit rowhouse structures of a density of 2,500sf/unit. Therefore, we proposed to eliminate multi-family from this district and gear it toward single-unit rowhouse development.
- J. R-6 Detached and Attached Single-Family and Two-Family Residential District**  
POLICY ITEM: The current R-6 District allows for single-family detached, rowhouses of single-units and two-family units, as well as multi-family. Because this is a lower density district, allowing multi-family is questionable (as well as in the R-5 District) because the intent of the district seems to be tailored toward single-unit rowhouse structures of a density of 1,500sf/unit. Therefore, we proposed to eliminate multi-family from this district and gear it toward single-unit rowhouse development.
- K. R-7 General Residence District**  
POLICY ITEM: This would be the first residential district that allows for all types of dwellings: single-family, two-family, both types of rowhouses (single-unit and multi-unit) and low density multi-family. It will be important to refine the bulk standards so that development is in scale. It is recommended that this district regulate building height with a maximum, as opposed to just FAR.
- L. R-8A General Residence District**
- M. R-8B Rowhouse District**  
POLICY ITEM: We propose to create a sub-district of the current R-8 District that would be limited to single-family, two-family and rowhouses (single-unit and multi-unit). This would assist in the preservation of rowhouse areas and could help to address some of the issues regarding lot assembly, where part of or an entire rowhouse block is torn down and out of scale new multi-family development replaces it. In both districts (R-8A and R-8B) bulk standards will need to be refined.

#### **N. R-9 General Residence District**

POLICY ITEM: We understand that the majority of rowhouses are found in the R-8 District. If there is a similar concern regarding rowhouse structures in the R-9 District as in the R-8 District, the same approach as that proposed for the R-8 District can be used here. However, based on mapping and existing conditions analysis, it may be that many of the R-9 rowhouse preservation areas may be able to be addressed within the proposed R-8B District. If there is a density disparity, then there may be a need for an R-9B District.

#### **O. R-10 Rowhouse and Multi-Family District**

POLICY ITEM: As is the case now, the R-10 District would be the highest density residential district. We propose to eliminate single-family and two-family uses from the district, and only allow higher density rowhouse and multi-family uses. We will need to evaluate where this district is mapped and existing conditions. If single-family and two-family uses are located within the R-10 District, and remapping is infeasible, grandfathering provisions may be necessary.

### **7.2 PERMITTED AND CONDITIONAL USES (TABLE)**

POLICY ITEM: Because these are residential districts, the use structure will be revised to reflect the residential nature of these areas. This means limiting non-residential uses. The generic use approach will be used. Some uses, such as marinas, will be eliminated, others such as cemeteries and large parks would be rezoned as the OS District, public uses such as primary and secondary educational facilities would be rezoned as the P District, and only smaller, compatible institutional uses would be permitted within the district, like day care homes, places of worship and small parks. A key issue here will be the inclusion and federally-compliant regulation of group homes and similar uses.

POLICY ITEM: As discussed with the ZAC, the proposed approach to “corner stores” is dual-pronged, both by district and conditional use and both subject to similar standards (permitted uses, design standards, performance standards). In some of the residential districts, “corner stores” will be permitted by conditional use. The districts where they will be allowed are yet to be determined. Another option is to create parallel residential districts where use and bulk regulations are identical, with the only exception being that corner stores are allowed by conditional use.

Similarly, the higher density multi-family districts do allow for some limited commercial uses on the ground floor (limited by use and floor area). We propose to lift the restriction that says the commercial uses must be accessed from the interior and allow for exterior entrances, which is a more modern, practical design, while maintaining use and floor area restrictions.

### **7.3 BULK AND SETBACK REGULATIONS (TABLE)**

POLICY ITEM: Bulk and setback regulations will be refined for the residential districts. Some of the major proposed revisions are as follows:

- Eliminate the 16 foot minimum for unit size.
- Eliminate the restrictions on the number of rowhouse units that may be attached.
- Eliminate the spacing requirements between buildings, which will require refinement of setbacks and, in particular for rowhouses, will be addressed through form-based siting controls. However, the Code should require a certain minimum space between buildings on a lot if the property owner chooses to develop multiple buildings on a lot.
- Eliminate FAR controls on two-family homes in the R-5 and higher districts and regulate based on building height.

- Eliminate FAR controls on rowhouses in the R-5 and R-6 Districts for rowhouses and include a maximum building height.
- Supplement FAR controls on rowhouses in the R-7 and higher districts with maximum building heights.
- Multi-family uses in some of the lower density districts (such as the R-7 and R-8 Districts) should be supplemented with building heights.
- Add an impervious surface requirement that prevents paving over of the entire lot. Currently regulations only address coverage by buildings.

#### **7.4 ROWHOUSE DESIGN STANDARDS**

POLICY ITEM: As has been discussed, form-based controls on rowhouse structures are anticipated to be included in the Code.

#### **7.5 PERMITTED ROWHOUSE CONVERSIONS**

POLICY ITEM: An issue that is of some concern is the conversion of single-unit rowhouses into multi-unit rowhouses. There are pros and cons to allowing for this. The benefit is that it allows for owners of large rowhouses to continue to maintain the structure because of additional income and encourages the preservation of these buildings. However, conversions do increase the density of neighborhoods initially designed as single-unit rowhouse neighborhoods. We propose to create standards that allow for conversion, taking this out of the case-by-case basis that the BMZA currently addresses this issue. We would first determine in which districts this should be allowed. Then standards would be set based on lot size and unit size to determine where this could happen, as well as ensuring the proper amount of parking is provided. The intent is to limit this to only larger structures.

##### **A. Permitted Districts**

##### **B. Standards for Conversions**

##### **C. Site Plan Review**

POLICY ITEM: One option, as an additional safeguard, is to require site plan review approval of all conversions to ensure that all impacts are addressed.

#### **7.6 GENERAL STANDARDS OF APPLICABILITY**

##### **A. Accessory Structures and Uses**

##### **B. Temporary Uses**

##### **C. Permitted Encroachments**

##### **D. Environmental Performance Standards**

##### **E. Off-Street Parking and Loading**

##### **F. Landscaping and Screening**

##### **G. Signs**

##### **H. Applicability of Historic District Designation<sup>1</sup>**

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<sup>1</sup> The applicability of historic district designation would be a reference to a map located within the appendix that illustrates the location of historic districts. This applies to all district articles.

## TITLE 9: BUSINESS ZONING DISTRICTS

*Title 9 contains the allowed uses, bulk and setback provisions, and design standards for the business zoning districts.*

POLICY ITEM: Generally, we have proposed that the business districts should be better linked to form and function and address historic nonconforming commercial uses within residential neighborhoods. The commercial districts below have been restructured based upon this general policy.

The Comprehensive Plan also suggests a policy direction to concentrate commercial development within nodes along arterial streets, which, in turn, suggests reduction of commercial strip patterns along those streets. To accomplish this, commercial development opportunities at selected arterial nodes should be intensified and expanded, and commercial development and redevelopment along non-nodal portions of arterial streets should be discouraged. The creation of these commercial nodes will likely require certain remapping to enlarge the areas allocated to commercial uses. It is also anticipated that these locations should evolve as mixed-use locations, but the emphasis should be on commercial uses. Therefore, such nodes would probably prohibit residential development on the ground floor. Further, because these areas may allow greater heights than found in adjacent locations and could have greater lot depth than that found along existing strips, these commercial nodes should be subject to specific buffering and parking criteria.

### 9.1 BUSINESS ZONING DISTRICTS PURPOSE STATEMENTS

#### A. B-1 Neighborhood Business District

POLICY ITEM: This would be a refinement of the current B-1 District, which is oriented toward clusters or pedestrian-oriented corridors of commercial uses that serve the immediate neighborhood. The intent is to ensure compatibility between neighboring residential and commercial uses, maintaining the proper scale of commercial use, and dealing with issues related to smaller sites and the accompanying development constraints such as limited to no parking opportunities. The B-1 District would also be refined to address the “corner store” issue as well, as directed by the ZAC (to use a dual approach of conditional use and districting). Again, standards for those types of uses, as well as a refined use list, will be included. Districting (as the B-1 District) would be for areas where these uses are concentrated, for example along all four corners within a residential neighborhood. (Please see Title 11 for one additional district to address this type of situation more specifically geared at mixed-use blocks of rowhouse development.)

#### B. B-2 Community Commercial District

POLICY ITEM: This would be a refinement of the current B-2 District. This district is would be designated for those areas of small to medium-scale commercial use which are designed to accommodate pedestrians and, in some instances, autos. Mixed-use development would be particularly appropriate within this district. Proper parking ratios, site development, and landscaping and buffering standards will be key aspects of this district.

#### C. B-3 General Commercial District

POLICY ITEM: Similar to the current B-3 District, this district is intended for larger-scale commercial development that is auto-oriented and requires more controls regarding site development. This district would also include standards for shopping

centers and mixed-use development. This district will be significant in implementing the Comprehensive Plan policy of creating commercial nodes that concentrate commercial development.

**D. B-4 Heavy Commercial District**

POLICY ITEM: This is a new district. Creation of a heavy commercial district would create a place for more intense commercial uses that are not appropriate for lower intensity commercial districts. Because of the impacts from heavy commercial uses, like auto body shops, large scale outdoor recreation/entertainment, etc., a district should be created to address this type of development. Limited types of supportive uses would also be allowed. Typically, this district is generally limited in application but offers utility in use restrictions and ensures that setbacks and site development controls are in place to mitigate negative impacts on neighboring uses

**E. B-5 Central Business District**

POLICY ITEM: This district will address the downtown. The B-5 District is anticipated to be divided into a series of sub-districts that address certain urban design principles, such as development within the core, transition areas to the north and the waterfront areas. However, there will be one set of uses for the entirety of the B-5. (The B-5 District, dependent upon the standards developed, may require its own Title within the Code. In such case, it may be renamed the CBD District with sub-districts labeled CBD-1, CBD-2, etc., to prevent confusion.) Addressing parking will be a key part of the downtown district, therefore we intend to integrate some form of the restrictions of the current Parking Lot Districts within the B-5 District and eliminate the separate Parking Lot Districts.

**9.2 PERMITTED AND CONDITIONAL USES (TABLE)**

POLICY ITEM: Uses within the business districts will be refined to reflect commercial environments and the cumulative use structure eliminated. The generic use approach will be used.

The current use structure also allows for “dwellings” generally within the commercial districts. Though allowing residential with commercial uses is desirable to create mixed-use developments, and is a natural part of how Baltimore developed, this should be properly regulated within the districts, including use mix and controls on bulk and density. For example, in most commercial districts the desired residential development type may be dwellings above the ground floor only.

**9.3 BULK AND SETBACK REGULATIONS (TABLE)**

POLICY ITEM: Bulk and setback standards will be revised. One of the key changes will be the elimination of the sub-districts within many of the existing commercial districts. The intent is to simplify the bulk and setback regulations so that they reflect the existing conditions, particularly within the B-1 and B-2 Districts, and implement the policies of the City, such as commercial nodes anticipated to be created by the B-3 District.

**9.4 DESIGN STANDARDS**

POLICY ITEM: A range of design standards will be needed for the commercial districts to address the different scales of commercial uses. We anticipate that standards will be crafted for the B-1 and B-2 Districts so that commercial uses are able to integrate into and minimize impact upon abutting residential neighborhoods. These smaller-scale commercial areas will have standards for how buildings address the street, including controls on elements like ground floor transparency. Commercial development in rowhouse structures will also be addressed. Larger scale commercial developments and

shopping centers, such as those within the B-3 and B-4 Districts, will include some controls over key aspects of site development and may include some form-based controls. The B-5 District is anticipated to include urban design standards within a sub-district structure in order to address the different areas that make up the downtown.

## **9.5 GENERAL STANDARDS OF APPLICABILITY**

- A. Accessory Structures and Uses**
- B. Temporary Uses**
- C. Permitted Encroachments**
- D. Environmental Performance Standards**
- E. Off-Street Parking and Loading**
- F. Landscaping and Screening**
- G. Signs**
- H. Applicability of Historic District Designation**

## TITLE 10: INDUSTRIAL ZONING DISTRICTS

*Title 10 contains the allowed uses, bulk and setback provisions, and design standards for the industrial zoning districts.*

### 10.1 INDUSTRIAL ZONING DISTRICTS PURPOSE STATEMENTS

#### A. BI Business-Industrial District

POLICY ITEM: This is a new district based on the Comprehensive Plan policy. This district would accommodate those types of “clean” industrial uses that are compatible with and benefit from proximity to certain commercial uses.

#### B. OIP Office-Industrial Park District

POLICY ITEM: This is a new district. An office-industrial park zoning district is a useful tool to encourage a type of non-residential mixed-use district, where certain light industrial and office uses are integrated into a campus-like environment. This district would encourage uses like small business/industrial incubators and green industry.

#### C. I-MU Industrial Mixed-Use District

POLICY ITEM: This is a new district. This zoning district would allow for continued light industrial use and redevelopment in those industrial pockets typically surrounded by residential neighborhoods, but would also allow a variety of other non-industrial uses, such as live/work dwellings, higher density residential, commercial, and limited institutional uses, to create a true mixed-use environment.

#### D. BSC Bio-Science Campus District

POLICY ITEM: This new district would be crafted for bio-science development, including supportive uses and some residential. The bio-science district is envisioned as similar to the BSC District with additional features that would allow a broader mix of desirable uses - integrating manufacturing, office/research, limited retail, education and some residential uses. Office/research and enclosed manufacturing would probably be established as the “by-right” uses, with additional uses being allowed through a conditional use process. Some minimum size, such as five acres, should be established so that a true district is created.

#### E. M-1 Light Industrial District

POLICY ITEM: This would be a refinement of the current M-1 District.

#### F. M-2 Heavy Industrial District

POLICY ITEM: This would be a refinement of the current M-2 District.

#### G. M-3 Maritime Industrial District

POLICY ITEM: This is a new district that would take current protections offered by the MIZOD and create a base district, rather than an overlay. This would ensure the right mix of maritime uses, including proper supporting uses, and adequate buffering from neighboring uses. A disadvantage of the current MIZOD is that, as an overlay, all the different industrial users allowed within the underlying M-3 District are permitted in what is intended to be a maritime use focused zone. This new district would correct these issues and preserve unique deepwater resources from encroachment of industrial uses that could locate within other industrial districts.

## **10.2 PERMITTED AND CONDITIONAL USES (TABLE)**

POLICY ITEM: Uses within the industrial districts will be refined and the pyramid use structure eliminated so that uses are tailored to the intent of the districts. The generic use approach will be used. In terms of revising the industrial districts, an important element will be to ensure that certain types of industrial uses typical to the district are permitted by-right.

## **10.3 BULK AND SETBACK REGULATIONS (TABLE)**

POLICY ITEM: Bulk and setback standards will be revised so that industrial developments are properly sited and create proper transitions to adjacent non-industrial districts and, where appropriate, within industrial districts that allow non-industrial uses.

## **10.4 GENERAL STANDARDS OF APPLICABILITY**

- A. Accessory Structures and Uses**
- B. Temporary Uses**
- C. Permitted Encroachments**
- D. Environmental Performance Standards**
- E. Off-Street Parking and Loading**
- F. Landscaping and Screening**
- G. Signs**
- H. Applicability of Historic District Designation**



# TITLE 11: SPECIAL PURPOSE ZONING DISTRICTS

*Title 11 contains the allowed uses, bulk and setback provisions, and design standards for the special purpose zoning districts. As the Code rewrite process proceeds, there may be a need for different special purpose districts may be needed, certain districts may be eliminated, or others can be consolidated into other districts.*

## 11.1 SPECIAL PURPOSE ZONING DISTRICTS PURPOSE STATEMENTS

### A. RC Rowhouse Mixed-Use Overlay District

POLICY ITEM: Based on existing conditions within the City, we have seen a number of areas where there are mixed-use rowhouse corridors or blocks. These are typically a block of rowhouses where some structures are used for residential and others for first-floor commercial uses. Some communities may be looking to encourage such an environment. An overlay district could be created linked to an underlying rowhouse district so that the physical character is maintained. Commercial uses would be restricted to a tailored use list, commercial uses located on the ground floor only with residential, and perhaps office uses, above the ground floor, and regulations on the anticipated impacts from such a use mix. This may be able to address some of the areas that have a significant number of “corner stores.”

### B. TOD Transit-Oriented Development District

POLICY ITEM: As described in the “Directions for Drafting the Revised Zoning Code,” it is anticipated that more than one TOD District will be needed. The proposed starting point is to create two districts. The first would be a TOD Urban Overlay District, which would apply additional design and development standards to urban areas that are already developed and naturally embody TOD design principles. The overlay district would be used to enhance these areas and ensure development that takes advantage of proximity to transit. The second would be a base district – TOD District – used in more suburban-type locations in order to encourage redevelopment in line with TOD principles.

### C. OR Office Residential District

POLICY ITEM: The existing OR District will be refined in order to accomplish its intent, which is not clear. The specific use mix of which type of non-residential uses should be permitted will be evaluated, as well as the bulk and setback standards.

### D. P Public Use District

POLICY ITEM: This is a current district within the Code. It currently functions as an overlay district for schools, cultural facilities, public works/safety facilities, health services and government offices. In order to gain more benefit from the district and to simplify the Code, our approach is to revise it from an overlay district into a base district. The use list should also be more narrowly drawn to reflect true public uses.

### E. EC Educational Campus District

POLICY ITEM: This is a new district proposed for the existing universities in the City. Specific zoning for university campus developments can facilitate an orderly and efficient regulation process for these types of users, by establishing processes that are flexible enough to accommodate evolving changes and expansion in campus plans, requirements for transitions between campus activities and adjacent neighborhoods, and procedures for addressing concerns raised between the institution, the City and adjacent neighborhoods.

**F. H Hospital Campus District**

POLICY ITEM: Hospital campuses are similar to university campuses, especially areas of transition along the edges and relationships to adjacent neighborhoods. It may be beneficial to create a hospital district similar in structure to the EC District above. Dependent on how these districts are developed, they may be able to be consolidated into a single campus district.

**11.2 PERMITTED AND CONDITIONAL USES (TABLE)**

POLICY ITEM: Uses within the special purpose districts will be refined and tailored specifically to the purpose of the districts. The generic use approach will be used. The intent of a special purpose district is that the district is targeted at a specific type of development, therefore a broad list of allowed uses is typically undesirable.

**11.3 BULK AND SETBACK REGULATIONS (TABLE)**

POLICY ITEM: Based on existing conditions and the purpose of each district, bulk and setback standards will be revised.

**11.4 DESIGN STANDARDS**

POLICY ITEM: Certain special purpose districts can be enhanced with design standards.

**11.5 GENERAL STANDARDS OF APPLICABILITY**

- A. Accessory Structures and Uses**
- B. Temporary Uses**
- C. Permitted Encroachments**
- D. Environmental Performance Standards**
- E. Off-Street Parking and Loading**
- F. Landscaping and Screening**
- G. Signs**
- H. Applicability of Historic District Designation**

## TITLE 12: PLANNED UNIT DEVELOPMENTS

*Title 12 contains the revised PUD provisions.*

POLICY ITEM: We have proposed to create a single PUD procedure. This would be a single development application that would be considered a conditional use in certain districts, eliminating the distinctions between residential, office-residential, business and industrial PUDs. The underlying district regulations, including use, bulk and setback requirements, would apply unless the applicant makes a strong case for exceptions to these regulations. This way, there is no assumption of approval of outside uses, as may be the case now, but rather exceptions are considered relative to the merit and appropriateness of the development.

### 12.1 PURPOSE OF PLANNED UNIT DEVELOPMENTS

### 12.2 INITIATION

### 12.3 AUTHORITY AND EXECUTION

### 12.4 GENERAL REQUIREMENTS FOR PLANNED UNIT DEVELOPMENTS

### 12.5. EXCEPTIONS FROM DISTRICT REGULATIONS

#### A. Permitted Exceptions from District Regulations

#### B. Required Public Benefits and Amenities

POLICY ITEM: A key aspect of PUDs is that public benefits and amenities to the City should be required in exchange for PUD approval. Currently, the PUD provisions provide a “carrot” whereby gross density premiums are granted for various public existing amenities (parkland, proximity to public transit, dedication recreational and education sites) but a formal requirement of some public benefit – the “stick” – is not part of the current Code. In fact, it is our understanding that the incentive of gross density premiums is rarely used. We propose to create a requirement that specific public amenities and benefits are required in exchange for the flexibilities offered by a PUD. (See “Directions for Drafting the Revised Code” for further detail on this.)

### 12.6 PROCEDURE

POLICY ITEM: Currently a PUD must be introduced by the City Council before it can proceed to through the approval process. The necessity of such a step is questionable, as the Council would still have final approval even if this introductory step is removed. We have recommended elimination of this step, with applications submitted to the City Planning Department for review, where they would prepare a technical staff report, and then on to the Planning Commission for a public hearing. The City Council would then make the final decision on the application. This would shorten the application process as an applicant would not be required to identify an advocate in the Council to introduce the bill and then wait for its formal introduction.

POLICY ITEM: In the current PUD process the Board of Municipal and Zoning Appeals must recommend approval of variances from the floor area ratio and off-street parking requirements, while the Planning Commission may recommend other variances to bulk and setback requirements, as well as uses. This is an atypical structure, because the PUD is intended to function as a whole and result in a high quality, innovative development. We recommend consolidation of this and bringing the recommendation of

the PUD to the City Council solely with the Planning Commission, eliminating additional approvals from the BMZA.

**A. Pre-Application Consultation with City Planning Department**

**B. Concept Plan Consultation with Planning Commission**

POLICY ITEM: We propose to require the developer to submit a concept plan to the Planning Commission prior to formal submittal of a preliminary plan. An additional policy item at the concept plan stage is whether or not to require a neighborhood meeting where the developer would present the concept plan to the surrounding neighborhood. This can be done as a separate meeting, with the developer responsible for its notice and organization, or notice requirements can be built into the Planning Commission concept plan review meeting in order to notify the neighborhood.

**C. Preliminary Plan**

**1. Submittal Requirements**

**2. Procedure**

**a. Action by the Planning Commission**

**b. Action by City Council**

**3. Approval Standards for Preliminary Plans**

**4. Limitations on Denied Preliminary Plans**

**D. Final Plan**

**1. Submittal Requirements**

**2. Procedure**

**a. Review of Final Plan for Conformance**

**b. Action by City Council**

**12.7 Changes to Approved Final Plans**

**A. During Construction**

**1. Minor Changes**

**2. Major Changes**

**B. After Construction**

**12.8 Conditions and Guarantees**

**12.9 Issuance of Permits**

## **TITLE 13: USE STANDARDS**

*All use standards for principal uses (those uses considered permitted or conditional within the districts) would be found in Title 13. By consolidating all use standards within one title – rather than scattered throughout district provisions and Subtitle 3 of Title 14 – they can be referenced by section number within use tables for each district, rather than repeating large segments of text. It is anticipated that conditions commonly attached to conditional uses would be incorporated into the Code; these conditions would be found in this title.*

### **13.1 PURPOSE**

This is the purpose statement of Title 13

### **13.2 USE OF LAND AND BUILDINGS**

### **13.3 USE STANDARDS**

POLICY ITEM: Various uses listed within the district use tables will have additional conditions that they must meet, whether permitted or conditional. Once district use tables are drafted, these provisions will be drafted. If there are any uses that the ZAC or City staff have identified as needing special standards, it would be helpful to compile a list at this point so that they can be addressed in the new Code. Certain uses will require standards that are in line with various federal regulations.

## TITLE 14: ON-SITE DEVELOPMENT STANDARDS

*This title covers a variety of on-site improvements outside of the principal building on a zoning lot. It is divided into five sections:*

1. General On-Site Improvement Regulations. This section consolidates various standards found throughout the Code, including measurement standards. These regulations are found throughout the Ordinance within district regulations and the definitions.
2. Accessory Structures and Uses. Currently, accessory uses and structures are found within district provisions. They would be brought together in this section to minimize repetition of large sections of text. The current accessory uses and structures should be evaluated for their comprehensiveness, and the permitted type, size, location, etc. for all types should be included in the Code update.
3. Permitted Encroachments. These standards delineate which accessory structures and architectural features can be located within required setbacks. Conventional zoning terminology is to call these “permitted encroachments.” These are best presented in table format.
4. Temporary Uses: Common temporary uses would be found here. Some may need to be relocated from the City Code or references to the City Code included.
5. Environmental Performance Standards. The environmental performance standards currently found in Title 12 would be found here.

### 14.1 PURPOSE

This is the purpose statement of Title 14

### 14.2 USE OF LAND AND BUILDINGS

- A. Number of Buildings Permitted on a Lot
- B. All Activities within an Enclosed Structure
  - 1. Uses Permitted Activities Outside a Structure
- C. Required Frontage on a Public or Private Street
- E. Applicability of Bulk Requirements
- F. Applicability of Use Restrictions
- G. View Obstruction
- H. Bulk and Setback Measurement Descriptions

### 14.3 EXTERIOR LIGHTING

POLICY ITEM: This is where exterior lighting standards for private property would be located. These would be drafted in line with the Dark Skies Model Ordinance. It is important to remember that exterior lighting standards within the Code only regulate private property and not public lighting, such as street lights.

- A. Light Trespass Restrictions and Distraction Prohibition
- B. Controls on Unshielded Lighting
- C. Light Pole and Building-Mounted Lighting Heights
  - 1. Residential Districts
  - 2. Non-Residential Districts

#### **14.4 ACCESSORY STRUCTURES AND USES**

##### **A. General Requirements**

##### **B. Regulations for Specific Accessory Structures and Uses**

#### **14.5 PERMITTED ENCROACHMENTS TABLE**

POLICY ITEM (FOR 14.4 AND 14.5): Accessory structures and uses will need to be updated for all districts. These will be regulated through both specific accessory structure and use regulations and through a permitted encroachments table, as described in the “Directions for Drafting the Revised Code.” Common accessory structures and uses regulated by zoning codes are included below. Please identify any additional items that should be included.

Accessibility Ramps	Outdoor Fireplaces
Accessory Structures (General)	Patios
Amateur (HAM) Radio Equipment	Playground & Recreational Equipment
Arbors or Trellises	Porches, Unenclosed
Architectural Features	Porches, Enclosed
Compost Piles	Private Greenhouses
Decks	Rain Barrels and Cisterns
Electrical Generators	Retaining Walls
Fences	Satellite Dish Antennas
Firewood Storage & Trash Receptacles	Sidewalks/Walkways (Private)
Flagpoles	Sheds
Garages, Detached	Solar Panels
Gazebos	Steps & Stoops, Open
Home Occupations	Swimming Pools and Hot Tubs
Mechanical Equipment, Ground-Mounted	Tennis Courts
Ornamental Lighting, Lamp Posts, & Permanently Anchored Lawn Furniture & Decorations	Terraces
	Water Gardens
	Wind Turbines

In addition, Baltimore has some unique situations that should be regulated by the permitted encroachments table. These pertain to traditional rowhouses built on the property line. Both steps and cornices tend to encroach on the public right-of-way. To take these desired features out of nonconforming status, permissions for these to encroach will need to be included.

#### **14.6 TEMPORARY USES**

##### **A. Temporary Use Permit Required**

##### **B. Permitted Temporary Uses**

POLICY ITEM: The following are temporary uses common to zoning codes. If there are additional temporary uses common in the City, these should be included here and we look to staff and the ZAC to assist us in identifying these. It is important to remember that temporary uses listed within a zoning code are those that take place on private property. (If certain uses are regulated in the City Code, those can be relocated to the Code or cross-referenced to the City Code.)

1. **Carnival/Circus**
2. **Christmas Tree Sales Lot and Pumpkin Sales Patch**
3. **Community Gardens (Temporary)**
4. **Farmers Markets/Farmstands**

POLICY ITEM: In keeping with the City's current sustainability policies, we will craft standards for farmer's markets, including those related to urban agriculture uses within the City, and farmstands located within uses such as community gardens to allow for the regulated sale of items grown locally or on the premises.

5. **House, Apartment, Garage and Yard Sales**
6. **Arts and Crafts Shows, and Plant Shows (Indoor or Outdoor)**
7. **Sidewalk Sales**
8. **Temporary Contractor Trailers and Real Estate Model Units**
8. **Tents**
  - a. **Commercial Districts**
  - b. **Residential Districts**
9. **Temporary Storage Containers (aka "PODS")**

#### **14.7 ENVIRONMENTAL PERFORMANCE STANDARDS**

POLICY ITEM: The environmental performance standards will be revised where needed so that they can be easily administered by the City. These would be similar to the standards currently in place.

- A. **Noise**
- B. **Glare and Heat**
- C. **Vibration**
- D. **Dust and Air Pollution**
- E. **Discharge and Disposal of Radioactive and Hazardous Waste**
- F. **Electromagnetic Interference**
- G. **Odors**
- H. **Toxic Substances**
- I. **Water Pollution**
- J. **Fire and Explosion Hazards**



## **TITLE 15: OFF-STREET PARKING AND LOADING**

*Parking and loading standards found in Title 10 would be located here. Various parking requirements (required number of spaces per use, required loading spaces, etc.) should be placed into table format.*

### **15.1 PURPOSE**

This is the purpose statement of Title 15

### **15.2 GENERAL PROVISIONS FOR APPLICATION OF PARKING REQUIREMENTS**

- A. Application to Existing Facilities**
- B. Replacement Due to Damage or Destruction**
- C. Change in Land Use**
- D. Change in Intensity of Use**
- E. Voluntary Provision of Additional Spaces**

### **15.3 COMPUTATION OF OFF-STREET PARKING REQUIREMENTS**

### **15.4 DESIGN OF OFF-STREET PARKING SPACES**

- A. Site Plan Review Required**  
POLICY ITEM: Site plan review should be required for parking lots above a certain number of spaces to ensure they are properly designed.
- B. Dimensions of Parking Spaces**
- C. Parking Area Access Requirements**
- D. Surfacing**
- E. Striping**
- F. Curbing and Bumper Stops**
- G. Drainage and Grading**
- H. Lighting**
- I. Landscaping and Screening**
- J. Pedestrian Walkway Design within Parking Areas**

### **15.5 PERMITTED OFF-STREET PARKING LOCATIONS**

POLICY ITEM: We will specifically define where off-street parking can be located, including parking lots and where parking areas should be located in residential districts.

- A. Residential Uses**
- B. Mixed-Use and Non-Residential Uses**

### **15.6 DRIVEWAYS, PARKING PADS AND CURB CUTS**

- A. Driveway Design**  
POLICY ITEM: This section will regulate the location and width of driveways for the various types of uses.
  - 1. Single-Family and Two-Family Residential Uses**
  - 2. Rowhouse Residential Uses**
  - 3. Multi-Family Residential Uses**
  - 4. Mixed-Use and Non-Residential Uses**

## **B. Residential Parking Pads**

POLICY ITEM: This section will contain regulations on parking pads for residential areas.

- 1. Permitted Location**
- 2. Maximum Paved Area**

POLICY ITEM: We would like to allow for the use of alternative materials – grass-crete or pervious pavers – in this section (similar to the alternatives that would be offered for parking lots above under surfacing).

## **C. Limitations on Curb Cuts**

POLICY ITEM: In addition to restrictions on the number of curb cuts, this section will also address the required means of access. For example, in residential areas where there is rear access, that could be required by the Code (i.e., prohibit curb cuts).

- 1. Single-Family and Two-Family Residential Uses**
- 2. Rowhouse Residential Uses**
- 3. Multi-Family Residential Uses**
- 4. Mixed-Use and Non-Residential Uses**

## **15.7 STACKING SPACES FOR DRIVE-THROUGH FACILITIES**

- A. Required Spaces**
- B. Dimension**
- C. Design of Drive-Through Aisles**

## **15.8 STORAGE OF COMMERCIAL VEHICLES IN RESIDENTIAL DISTRICTS**

POLICY ITEM: We were not able to locate regulations for the parking large commercial vehicles in residential districts. If these restrictions are located within another section of the City Code, they should be moved here or at least referenced. Typically, these standards restrict outside storage of large commercial vehicles in residential districts. Basic provisions include:

- No parking in the public right-of-way in a residential district, except when loading or unloading, or doing work on the premises
- Not occupied or used for human habitation
- Only standard-sized, passenger vehicles (automobiles, vans, SUVs, pick-ups, standard size livery vehicles) are permitted to be stored or parked in residential areas – includes vehicles owned and used for commercial purposes by the occupant of a dwelling or guest (such permitted commercial vehicles may include the logo of the business on the vehicle)
- Semi-truck tractor units, commercial trailers, buses, limos, tow trucks, construction vehicles etc. are not permitted to be stored or parked outside on residentially-zoned property.

## **15.9 STORAGE OF RECREATIONAL VEHICLES IN RESIDENTIAL DISTRICTS**

POLICY ITEM: Again, we were not able to locate regulations for the parking large recreational vehicles in residential districts. If these restrictions are located within another section of the City Code, they should be moved here or referenced. This item is intended to control storage of recreational vehicles in residential districts. These provisions include:

- Limitations on storage in driveway or right-of-way over a certain set period of time (48-72 hours)
- Requirements for where vehicles can be stored (setback, screening, allowed permanent storage in enclosed buildings)
- Not occupied or used for human habitation

#### **15.10 REQUIRED OFF-STREET PARKING SPACES (TABLE)**

POLICY ITEM: Parking requirements for each use will be listed here in table format. Generally, these requirements should be based on gross floor area, public floor area and/or established capacity. Only in limited circumstances would a “per employee” standard be used because this number can be easily manipulated.

#### **15.11 PERMITTED OFF-STREET PARKING REQUIREMENT EXEMPTIONS**

POLICY ITEM: Certain districts or areas within certain districts, and/or certain uses would be exempted from parking requirements in order to avoid unnecessary variances in areas that cannot accommodate parking. This may include exempting a certain square footage of building floor area for certain commercial uses in certain districts and/or areas to relieve parking pressures on smaller businesses while still requiring larger businesses (with more lot area) to provide some parking. (There are currently parking exemptions in the Code that we will evaluate for the retention and refinement.)

#### **15.12 COLLECTIVE PROVISIONS**

##### **A. Cumulative Shared Parking Areas**

POLICY ITEM: This would allow two or more uses to share a single parking lot. The number of spaces within the lot would have to equal the sum of the individual requirements. However, we can include a parking bonus to encourage shared parking lots by providing a certain percentage reduction in the total number of spaces required.

##### **B. Alternating Shared Parking Areas**

POLICY ITEM: In this case, a parking lot is shared by two uses with alternating hours of operation. The most frequent example is shared parking between a place of worship and a dinner-only restaurant or a bar. The number of spaces required is that of the use that individually requires the most spaces. These provisions would describe the process and requirements for such an arrangement, including an agreement between business owners to be filed with the City.

##### **C. Cross-Access Easements**

POLICY ITEM: It is important to remember that cross-access easements can only be encouraged, not required. This section would look at design issues related to cross-access easements and shared parking areas.

###### **1. Residential Uses**

###### **2. Mixed-Use and Non-Residential Uses**

#### **15.13 LAND BANKED FUTURE PARKING**

POLICY ITEM: This allows large non-residential uses to place some of their parking area in green space, rather than pave it immediately for parking. This minimizes impervious surface on the site. When parking demand increases, the City can require the space to be turned into parking (the owner can also do this of his own accord). This green space is in addition to required landscaping.

#### **15.14 FEE-IN-LIEU OF PARKING**

POLICY ITEM: Certain areas could be allowed to utilize a fee-in-lieu provision, in which uses that cannot provide parking are able to pay for the spaces they cannot provide. The fees would go toward building a City-owned parking lot in the area for local parking. This can be done in both commercial areas and in residential areas where there is limited opportunity to provide parking on-site.

- A. General Requirements**
- B. Permitted Residential Districts**
- C. Permitted Non-Residential Districts**

#### **15.15 ACCESSIBLE PARKING REQUIREMENTS**

POLICY ITEM: This would reflect ADA requirements.

- A. Required Spaces**
- B. Dimension and Design**

#### **15.16 BICYCLE PARKING**

POLICY ITEM: Bike parking can be required for large parking areas, though nothing would prohibit someone from voluntarily providing additional bike parking. Bike parking can also be incentivized. For example, providing a certain amount of bike parking can count toward parking requirements. It is important to remember that zoning can only deal with bike parking on private property (not in the right-of-way).

- A. Required Bicycle Parking**
- B. Design**

#### **15.17 REQUIRED OFF-STREET LOADING SPACES (TABLE)**

POLICY ITEM: The loading requirements will be revised to reflect existing realities, including no requirements for small businesses to provide loading areas and certain exemptions for historic structures to encourage adaptive reuse.

#### **15.18 DESIGN OF OFF-STREET LOADING SPACES**

- A. Location**
- B. Dimensions**
- C. Surfacing**
- D. Access Control and Signage**
- E. Lighting**
- F. Landscaping and Screening**

## TITLE 16: LANDSCAPING AND SCREENING

*The City is currently crafting a landscaping and screening manual. We will work with staff to determine which, if any, provisions should be moved into the Zoning Code. Therefore, we have only listed those landscaping provisions from the in-progress manual that could be included within the Code.*

### 16.1 PURPOSE

This is the purpose statement of Title 16

### 16.2 LANDSCAPE MANUAL

POLICY ITEM: This would be a reference to the manual.

### 16.3 LANDSCAPE PLAN

POLICY ITEM: This would reiterate the landscape plan requirements from the manual.

#### A. Landscape Plan Requirement

#### B. Content of Landscape Plan

### 16.4 LANDSCAPING DESIGN STANDARDS

POLICY ITEM: This would be a reference to design standards from the manual.

### 16.5 REQUIRED LANDSCAPING AND SCREENING

POLICY ITEM: We have provided a list of required landscaping from the manual. We will work to determine if any of these provisions should be brought in the Code or if all should remain separate from the Code.

#### A. Street Frontage and Streetscape

#### B. Parking Lots

#### C. Parking Structures

#### D. Automotive Uses

#### E. Automotive Display Areas

#### F. Non-Residential Buildings

#### G. Service Lanes

#### H. Storage and Loading Areas

#### I. Dumpsters, Ground and Roof Mounted HVAC, and Antennas

#### J. Residential Rear and Side Yards Adjacent to Streets

#### K. Residential Site Adjacent to Interstate or Expressway

#### L. Historic Structures and Historic Areas

#### M. Scenic Routes and Views

#### N. Open Spaces and Plazas

#### O. Landfills

#### P. Stormwater Management Facilities

#### Q. Slopes, Embankments, Retaining Walls

#### R. Specimen Trees

## **TITLE 17: SIGNS**

*This title consolidates the sign provisions.*

### **17.1 PURPOSE**

This is the purpose statement of Title 17

### **17.2 SIGN PERMIT REQUIRED**

### **17.3 PERMITTED SIGN LOCATIONS**

- A. Public Property**
- B. Private Property**
- C. Compliance with View Obstruction Requirements**
- D. No Obstruction of Egress, Windows or Architectural Features**

### **17.4 SIGN DIMENSION COMPUTATIONS**

- A. Computation of Sign Height**
- B. Computation of Sign Area**

### **17.5 GENERAL CONSTRUCTION STANDARDS**

- A. Construction**
- B. Proper Sign Structure and Installation**
- C. Wind Pressure and Direct Load Requirements**
- D. Electrical Component Requirements**
- E. Illumination Restrictions**
- F. Glass**
- G. Lettering**
- H. Sign Permit Data to be Posted**
- I. Sign and Premises Maintenance**

### **17.6 SIGN CONTENT**

- A. Prohibition on Off-Premise Information**
- B. Limitations on Alcoholic Beverage Advertising**
- C. Limitations on Cigarette Advertising**

### **17.7 MASTER SIGN PLAN REQUIRED**

POLICY ITEM: This is a new requirement for submittal of a master sign plan for multi-tenant developments that describes where wall, awning, canopy and projecting signs will be located in order to achieve a unified and coordinated appearance.

### **17.8 PROHIBITED SIGNS**

POLICY ITEM: This is a preliminary list of prohibited signs. This can be modified as needed.

#### **A. Animated Signs**

#### **B. Attention-Getting Devices, and Strobe Lights, Spotlights and Floodlights**

POLICY ITEM: This includes balloon signs, wind signs, etc. Does the City want to prohibit these?

#### **C. Billboards**

POLICY ITEM: These provisions will state that new billboards are prohibited. There will be a reference to the existing billboard provisions to be included.

- D. Flashing Signs
- E. Illegally Affixed Signs
- F. Moving Signs
- G. Obscene Signs
- H. Portable Signs
- I. Roof Signs

POLICY ITEM: Currently these are prohibited in all districts except the B-3, B-5, M-2, and M-3 Districts. Should this be expanded to all districts? Certain existing roof signs, like the Domino's sign, can be protected through the classic sign provisions (see below). If these are retained, they should be moved out of this list and into permanent sign standards.

- J. Signs that Interfere with Traffic
- K. Temporary Off-Premise Signs
- L. Unsafe Signs

#### **17.9 TEMPORARY SIGNS**

POLICY ITEM: This is a preliminary list of temporary signs. This can be modified as needed, especially which temporary signs require a permit. Each sign would include permitted timeframe for display, size (height and area), setback and permitted districts/uses regulations.

- A. General Regulations for All Temporary Signs
- B. Temporary Signs Exempt from Sign Permit

- 1. A-Frame Signs

POLICY ITEM: This is generally restricted to certain commercial districts.

- 2. Banners
- 3. Construction Signs
- 4. Garage or Yard Sale Signs
- 5. Political Signs
- 6. Real Estate Signs
- 7. Window Signs (Temporary)

- C. Temporary Signs Requiring Sign Permit

- 1. Temporary Pole Signs
- 2. Temporary Wall Signs

#### **17.10 PERMANENT SIGNS AND ACTIVITIES EXEMPT FROM SIGN PERMIT**

POLICY ITEM: This is a preliminary list of permanent signs that do not require a sign permit. This can be modified as needed.

- A. Alteration and Maintenance Operations
- B. Flags
- C. House Number Signs
- D. Memorial Plaques
- E. Miscellaneous Information
- F. Municipal Signs
- G. Nameplates
- H. Neon Window Signs
- I. Residential Development Signs
- J. Warning Signs

#### **17.11 PERMANENT SIGNS REQUIRING SIGN PERMIT**

POLICY ITEM: As the districts take shape, sign standards will be refined for each district. Currently, Section 11-416 contains a table that regulates signs generally in terms of overall area. We would like to further refine this to address types of signs permitted in each district (for example, some pedestrian-oriented commercial districts may prohibit pole signs and electronic signs) and sizes (height and area) refined for the districts. We would also like to eliminate requirement for certain types of signs allowed by conditional use permit.

##### **A. Awnings and Canopies**

##### **B. Electronic Signs**

POLICY ITEM: We will need to determine which types of electronic signs are permitted and in which districts. Generally, these are appropriate higher intensity commercial districts and for institutional uses (schools, public works departments, parks, etc.). There are typically two types of electronic signs – electronic message signs and electronic display screens.

##### **C. Freestanding Signs**

###### **1. Freestanding Monument Signs**

###### **2. Freestanding Pole Signs**

##### **D. Projecting Signs**

##### **E. Marquees**

##### **F. Wall Signs**

##### **G. Window Signs (Permanent)**

#### **17.12 EXISTING BILLBOARDS (OUTDOOR GENERAL ADVERTISING SIGNS)**

POLICY ITEM: We will need to codify the standards for existing billboards. The Code should also address electronic billboards, which has been partially addressed by the Board of Municipal and Zoning Appeals already in terms of message duration. If the City would like to permit these, a series of standards for illumination, brightness and minimum duration of message should be incorporated into the Code. Additionally, if the City would like to use electronic billboards to encourage the removal of nonconforming billboards, provisions for “trade-offs” of nonconforming existing billboards can be included. For example, if three nonconforming billboards are taken down, one new electronic billboard can be erected. This creates an incentive to remove nonconformities.

#### **17.13 CLASSIC SIGNS**

POLICY ITEM: This is the proposed location for the “classic sign” designation to preserve specific historic and/or unique signs within the City, and protect those signs from nonconformity status. This designation process for “classic signs” would remove these specifically designated signs from nonconformity status, and allow them to continue and be repaired and maintained. Classic sign provisions should also address the reuse of signs that would be considered off-premises if the structure were to be redeveloped. For example, if the Domino’s factory were to be redeveloped into residential lofts, classic sign provisions should allow for the Domino’s sign to remain, even though it would technically be considered an off-premise sign. If such a provision was adopted, it is anticipated that the CHAP would play a role in deciding whether a sign would be considered “classic.”

##### **A. Eligibility for Classic Sign Status**

##### **B. Application for Classic Sign Status**

##### **C. Maintenance of Classic Signs**

##### **D. Designated Classic Signs**



#### **17.14 NONCONFORMING SIGNS**

(Reference to Article 18 provisions)

POLICY ITEM: We have not proposed any amortization requirements for nonconforming signs.

## TITLE 18: NONCONFORMITIES

*This title, which is the current Title 13, would include specific provisions for regulating: 1) nonconforming uses; 2) noncomplying structures; 3) nonconforming lots of record; and 4) nonconforming signs. It should clearly define what a nonconformity is, and explain what changes and/or alterations are permissible for each type of nonconformity. We would like to simplify the current provisions for nonconformities which are confusing in application and contain numerous exemptions.*

**POLICY NOTE:** Current amortization provisions have expired. We have not recommended new amortization provisions.

### 18.1 PURPOSE

This is the purpose statement of Title 18

### 18.2 GENERAL STANDARDS OF APPLICABILITY

#### A. Authority to Continue

#### B. Burden on Property Owner to Establish Legality

#### C. Safety Regulations

#### D. Noncompliance With Off-Street Parking Requirements

**POLICY ITEM:** Does the City want to retain the current provision: “No use may be construed as nonconforming solely by reason of noncompliance with the off-street parking requirements of this article.”

### 18.3 NONCONFORMING USE

**POLICY ITEM:** We would like to consolidate all nonconforming use provisions in to one section. This would bring together the provisions for Class I, Class II and Class III nonconforming uses. This section would then address both nonconforming uses of land and structures.

#### A. Definition of Nonconforming Use

**POLICY ITEM:** Do to the desires for preservation and adaptive reuse, we would like to eliminate part of the definition for nonconforming use, where the Code defines a nonconforming use as “use of all or part of a structure that was designed and erected primarily for a use that is no longer allowed in the district in which it is located.” The nonconforming use of a property, whether structure or lot, should be based upon its conflict with the district use permissions.

#### B. Expansion of Nonconforming Use

#### C. Relocation of Nonconforming Use

#### D. Change of Nonconforming Use

**POLICY ITEM:** We would like to eliminate the provisions that allow for some nonconforming uses to be switched to other nonconforming uses or allowances for uses from other districts. Nonconforming uses should only be switched to uses allowed within the district.

#### E. Discontinuation or Abandonment

**POLICY ITEM:** One of the confusing provisions within the current Code is that the three current classes of nonconforming use have different timeframes (Class I – 6 months, Class II – 18 months, Class III – 12 months). While it is understandable that nonconforming use of land have a shorter timeframe (Class I), nonconforming uses of structures should have a single timeframe, as opposed to the two separate timeframes for Class II and III.

#### **18.4 NONCOMPLYING STRUCTURES**

- A. Definition of Noncomplying Structures**
- B. Ordinary Repairs and Maintenance of Noncomplying Structures**
- C. Structural Alterations of Noncomplying Structures**
- D. Additions and Enlargements of Noncomplying Structures**
- E. Relocation of Noncomplying Structures**
- F. Damage or Destruction**

POLICY ITEM: It appears that the only constraint on destroyed noncomplying structures is that they must apply for a building permit within a year. We would like to propose a more stringent limit for noncomplying structures that states if they are destroyed by over 50% of replacement value, they must be replaced with a complying structure. This would help to facilitate the elimination of noncomplying structures.

- 1. Damage or Destruction**
- 2. Determination of Replacement Value**
- 3. Limitation on Building Permit Issuance**

- G. Noncomplying Multiple-Family Structures**

POLICY ITEM: Does the City want to retain this existing provision?

#### **18.5 NONCONFORMING LOTS OF RECORD**

POLICY ITEM: These are the provisions for sub-standard lots of record, which would allow for construction of a single-family detached home without a variance.

- A. Individual Lots of Record in Residential Districts**
- B. Lots of Record Held in Common Ownership (Any District)**

#### **18.6 NONCONFORMING SIGNS**

POLICY ITEM: As noted above, we have proposed elimination of current amortization provisions, most of which are expired. We do not propose new amortizations. We would also like to eliminate special sign standards for nonconforming uses.

POLICY ITEM: Like noncomplying structures, it appears that the only constraint on destroyed nonconforming signs is that they must apply for a building permit within a year. We propose a more stringent limit that states if they are destroyed by over 50% of replacement value, they must be replaced with a complying sign. This would help to facilitate the elimination of nonconforming signs.